

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

(1)	EVA GIVEN KOPPADY, AS)	
	ADMINISTRATOR FOR THE)	
	ESTATE OF RONALD GIVEN,)	
	Plaintiff,)	
)	
v.)	Case No. CIV-20-1280-G
)	
(1)	POTTAWATOMIE COUNTY)	
	PUBLIC SAFETY CENTER TRUST)	<u>JURY TRIAL DEMANDED</u>
	an Oklahoma Title 60 authority;)	
)	
(2)	BREONNA R. THOMPSON,)	
	Individually and in her capacity as)	
	Executive Director of the Pottawatomie)	
	County Public Safety Center Trust;)	
)	
(3)	MASON WILSON, individually and in his)	
	Capacity as the Chief of Police of the Shawnee)	
	Police Department;)	
)	
(4)	BRAD BANEY, individually and in his)	
	official capacity as Lieutenant of the)	
	Pottawatomie County Public Safety Center;)	
)	
(5)	KORBIN WILLIAMS, individually and)	
	in his official capacity as a law enforcement)	
	officer;)	
)	
(6)	JAKE DUGGAN, individually and)	
	in his/her official capacity as a law enforcement)	
	officer;)	
)	
(7-12)	JOHN/JANE DOES (1-6), unknown individuals)	
	who were involved but not yet identified,)	
	and in their individual capacity,)	
	Defendants.)	

**COMBINED MOTION TO STRIKE KEVIN R. KEMPER'S MOTION TO WITHDRAW
WITHOUT SUBSTITUTION FOR PLAINTIFF EVA GIVEN KOPADDY,
WITH BRIEF IN SUPPORT**

COMES NOW attorney Kevin R. Kemper, Esq., to supplement his *Combined Motion to Strike Kevin R. Kemper's Motion to Withdraw Without Substitution for Plaintiff Eva Given Kopaddy, As Administrator of the Estate of Ronald Given*, pursuant to Rule 83.5 of the Local Rules of the United States District Court for the Western District of Oklahoma, for the following reasons:

1. To supplement the record, the attached Exhibit 2 is a copy of the transcript of the hearing held on July 11, 2022, in *In re Estate of Ronald Given & Joshua Given, III, Deceased*, PB-2020-75 (Pottawatomie Co.) that had been referenced in Counsel's *Motion* of July 19, 2022.

Dated this 28th day of July, 2022,

Respectfully submitted,

THE LAW OFFICE OF KEVIN R. KEMPER, PLLC
P.O. Box 454
Guthrie, OK 73044
(405) 877-3043
kemperlawoffice@gmail.com

/s/ Kevin R. Kemper
Kevin R. Kemper, Esq., OBA#32968

CERTIFICATE OF SERVICE

I hereby certify that on or about this 28th day of July, 2022, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to those registered participants of the ECF System.

I further certify that on or about this 28th day of July, 2022, I mailed in the U.S. Mail, certified with return receipt requested, postage pre-paid, the attached document to the following who is not a registered participant of the ECF System.

EVA GIVEN KOPADDY
2725 S.W. 49th St.
Oklahoma City, OK 73119
Plaintiff

/s/ Kevin R. Kemper
KEVIN R. KEMPER

EXHIBIT 2

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IN THE DISTRICT COURT
OF THE TWENTY-THIRD JUDICIAL DISTRICT
SITTING WITHIN AND FOR POTTAWATOMIE COUNTY
STATE OF OKLAHOMA

In the Matter of the Estate)
Of RONALD GENE GIVEN and) Case No. PB-20-75
JOSHUA GIVEN, III,)
)
Deceased.)

* * * * *

TRANSCRIPT OF PROCEEDINGS
MOTION TO WITHDRAW

* * * * *

HAD ON JULY 11TH, 2022
BEFORE THE HONORABLE JOHN CANAVAN, JR., DISTRICT
JUDGE, POTTAWATOMIE COUNTY COURTHOUSE, 325 N.
BROADWAY, SHAWNEE, OKLAHOMA 74801

REPORTED BY: KIT VICKERY, R.D.R.
Official Court Reporter

1 A P P E A R A N C E S

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4 ATTORNEY FOR ESTATE AND

5 PERSONAL REPRESENTATIVE: KEVIN KEMPER

6 Attorney at Law

7 114 W. Harrison Ave

8 Suite 201

9 Guthrie, OK 73044

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1 THE COURT: For the record, this is PB-20-75,
2 Matter of the Estate of Ronald Gene Given and Joshua
3 Given, the third. Comes on for hearing on a motion to
4 withdraw. Can I have the appearances for the court
5 reporter, please.

6 MR. KEMPER: Your Honor, Kevin R. Kemper.
7 You had already signed this. It was filed I see on
8 July 6th. Would you please allow me to make an
9 appearance for today for us to get this sorted out?

10 THE COURT: Yes, sir.

11 MR. KEMPER: Thank you.

12 THE COURT: Who else do I have present?
13 Obviously someone is objecting to it.

14 MR. KEMPER: Ms. Eva Kopaddy, K-o-p-a-d-d-y,
15 who is the personal representative.

16 THE COURT: Is that correct?

17 MS. KOPADDY: It is correct.

18 THE COURT: And you, I guess, presently are
19 still her attorney pending further order of the Court.
20 Is that what I'm hearing?

21 MR. KEMPER: That's our understanding, Your
22 Honor. And if I could very quickly tell you how we
23 got here.

24 THE COURT: Go ahead.

25 MR. KEMPER: So in July of 2020, Ms. Kopaddy

1 retained me, and she also retained Mr. Ronald Skip
2 Kelly at the same time he signed the Legal Services
3 Agreement. There's supposedly an agreement he claims
4 between he and her, but I've not seen a copy.

5 We've reached a situation whereby I absolutely
6 refuse to be co-counsel with Mr. Kelly and that's the
7 reason why I pleaded professional obligations required
8 my withdrawal. Ms. Kopaddy had terminated his
9 services and would testify as such, and we have
10 evidence of her having signed a letter to that effect.

11 He's not here today. He had notice. He was sent
12 notice, and we know that he had notice because of his
13 communications with me and with Ms. Kopaddy, and she
14 wanted to be heard on the record that she wished to
15 retain me and that she had fired Mr. Kelly. You know,
16 he's not here, so he was fired. He was terminated.

17 THE COURT: Okay.

18 MR. KEMPER: So if I can ask her a few
19 questions on the record under oath.

20 THE COURT: Go ahead, sir.

21 MR. KEMPER: If you could swear her in.

22 THE COURT: Let me swear her in first.

23 EVA GIVEN KOPADDY,
24 The witness, of lawful age, having been first duly
25 sworn, testified as follows, to-wit:

1 THE COURT: All right. Speak in the
2 microphone.

3 MR. KEMPER: May I please approach?

4 THE COURT: Yes, sir. If it would be easier
5 for you, why don't you just stay here.

6 MR. KEMPER: Thank you. Your Honor, here are
7 copies.

8 Could you hand these to him?

9 MS. KOPADDY: Yes.

10 DIRECT EXAMINATION OF EVA GIVEN KOPADDY
11 BY MR. KEMPER:

12 Q All right. Ms. Kopaddy, I'm handing you a
13 document that says Legal Services Agreement, do you
14 recognize this paper?

15 A Oh, this.

16 Q And what is this?

17 A We all signed this, what we first agreed on.

18 Q Okay. So if I understand correctly, you're
19 testifying that this is the agreement by which you
20 retained my services as your attorney.

21 A Right.

22 Q And is that your signature on that particular
23 document?

24 A Yes, it is.

25 Q Okay. And what is that dated?

1 A July 14th, 2020.

2 Q Okay. And whose signature is that at the very
3 bottom?

4 A I can't read it, I'm sorry.

5 Q Okay. Whose signature is above that?

6 A Boy, I tell you what, I can't read it.

7 Q Well, it might be difficult to decipher. Would
8 you agree that that's my signature above the bottom
9 signature?

10 A Yes, uh-huh.

11 Q Okay. All right.

12 MR. KEMPER: Your Honor, we ask that this be
13 admitted for Exhibit A.

14 THE COURT: Any reason I shouldn't look at
15 it, Ms. Kopaddy? You want to look at it? Okay,
16 that's fine.

17 Q And then so that we get this on the record, in
18 the event that this exhibit and the other exhibit has
19 any attorney/client privileged information, do you
20 waive that privilege for purposes of these things
21 being in front of the judge?

22 A No, it doesn't. It's fine.

23 Q Okay. So you do waive that?

24 A Yes.

25 THE COURT: All right. So I'm going to mark

1 this as Movant's 1 and admit without objection.

2 Q And then could you please look at this other
3 document? Would you please identify it?

4 A Oh, this is -- this is what you sent me and
5 Skip, both of us.

6 Q Okay. Would you turn to the back page? And is
7 that your signature on the back page?

8 A Yes.

9 Q And what are the words there by your signature?

10 A I hereby direct and authorize the requests in
11 this letter, Eva M. Given Kopaddy.

12 Q Now Ms. Given, more than once you had called me
13 to discuss whether or not to keep Mr. Kelly as one of
14 the attorneys, correct?

15 A Yes.

16 Q Okay. And for a few months I would keep trying
17 to talk you out of it based on what I knew at the
18 time, correct?

19 A You were prolonging it, yes.

20 Q Okay. And then there came a time -- did you
21 order me to do what was necessary to be sure he was
22 terminated?

23 A To do what you had to do, yes.

24 Q Okay. And did that also include Ms. Shana
25 Graham who is helping with the -- who entered an

1 appearance in the federal case?

2 A Yes, that was the third one.

3 Q Okay. And did you direct me to also be sure
4 that they were terminated?

5 A Yes.

6 Q Okay. And did I draft that letter for you on
7 your request?

8 A This letter?

9 Q Yes.

10 A Yes.

11 Q Okay. Where did you sign it at? Where were
12 you? Where were you located? It was at your house?

13 A Yes.

14 Q And what's the address of that house?

15 A 2725 Southwest 49th Street, Oklahoma City.

16 Q Okay. And was anybody else present?

17 A My son, but he wasn't around I don't believe. I
18 mean he was in the back.

19 Q Okay.

20 A Just he and I.

21 Q Now did you sign that of your own free will?

22 A Yes. Yes.

23 Q Is it your intention for me to stay on the case
24 and for Mr. Kelly to be terminated from this case, and
25 also he and Ms. Graham from the federal case?

1 A Yes. Yes.

2 Q Okay.

3 MR. KEMPER: Your Honor, that's what I have.
4 And you know, she objects, and I'm in a position where
5 frankly, it's him or me. I refuse to -- I refuse to
6 be co-counsel. She doesn't want him to be co-counsel.
7 He's not here. He's not filed any objection. I will
8 say he did send me a copy of his signature for the
9 order and --

10 THE COURT: All right. So you're saying you
11 would stay in the case if he's out?

12 MR. KEMPER: Yes, sir. I would stay in the
13 case if he's out, and if he's still in, I refuse to
14 practice with him.

15 THE COURT: So she fired him.

16 MS. KOPADDY: I thought I did too.

17 Q And what was that dated? That letter?

18 A July 14th.

19 Q No, I'm sorry, the other.

20 A This was March the 6th, 2020.

21 THE COURT: 2022?

22 MS. KOPADDY: I mean 2022, yes.

23 MR. KEMPER: Your Honor, I would move this be
24 admitted as our number two.

25 THE COURT: Admitted without objection. All

1 right, so as far as the Court is concerned, you fired
2 him. He's out and you're in.

3 MR. KEMPER: I have an order to that effect
4 if I can get it and bring it up.

5 THE COURT: Ma'am, you may step down.

6 MR. KEMPER: Your Honor, for this to be right
7 and proper, do I need to file another entry of
8 appearance as a matter of course?

9 THE COURT: No, if you've got one in there,
10 one is enough.

11 MR. KEMPER: May we be excused?

12 THE COURT: Yes, sir. At the request of the
13 movant, the exhibits have been withdrawn.

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5 In the Matter of the Estate)
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7 JOSHUA GIVEN, III,)
8)
9 Deceased.)

10 R E P O R T E R ' S C E R T I F I C A T E

11 I, Kit Vickery, RMR, RDR, Certified
12 Shorthand Reporter within and for the State of
13 Oklahoma, Official Court Reporter within and for the
14 Courts of the Twenty-Third Judicial District, State of
15 Oklahoma, do hereby certify that acting as such
16 Official Reporter, I attended the Hearing had in the
17 above-entitled cause on July 11th, 2022, before the
18 Honorable John Canavan, District Judge, in Courtroom
19 Number One of the Pottawatomie County Courthouse, the
20 City of Shawnee, County of Pottawatomie, State of
21 Oklahoma, and correctly took down in machine shorthand
22 all of the oral evidence presented and proceedings had
23 at said Hearing; that the above and foregoing pages
24 contain a full, true, complete and correct Transcript
25 of the Proceedings taken down by me in machine

1 shorthand, and thereafter reduced to typewriting by
2 me, aided by computer, or under my direction,
3 including all documentary evidence, if any.

4 IN WITNESS WHEREOF, I have hereto set my hand and
5 official seal this 21st day of July, 2022.

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KIT M. VICKERY
State of Oklahoma
Certified Shorthand Reporter
CSR #1378
My certificate expires 12/31/22